



9/30/04

## BUDGETS

### **HB 5527 (Shulman)**

Supplemental budget

- The Senate concurred with the House changes to HB 5527 [RC 705: 27 yes, 10 no].

### **HB 5528 (Shulman)**

Transportation budget

- The Senate concurred with the House changes to HB 5528 [RC 706: 34 yes, 2 no].

## CONFERENCE REPORTS

### **HB 5313 (Pumford)**

HB 5313 would allow municipalities and other public agencies to sell forestry land previously conveyed from the Department of Natural Resources (DNR) with a clause that the land will revert to the DNR when it is no longer used for forestry purposes.

- The Senate adopted the Conference Report to HB 5313 [RC 712: 33 yes, 4 no].

## MESSAGES FROM THE HOUSE

### **SB 1146 (EMERSON)**

SB 1146 would extend (for three years) the sunset for quality assurance assessment on hospitals. The assessment was instituted three (3) years ago. The State taxes hospitals and nursing homes, keeps a portion of the revenue, and increase the Medicaid rates paid to hospitals and nursing homes with federal match dollars. In 2003-2004, the state retained \$18.9 million.

- The Senate concurred with the House changes to SB 1146 [RC 707: 36 yes, 1 no (Sanborn)]. Immediate Effect was given to the bill.

### **SB 1164 (EMERSON)**

HB 1164 would require that payments be made to hold beds for Medicaid patients on emergency medical or therapeutic leave only when the nursing home was at 100% of occupancy. If the nursing home were under 100% of occupancy, the Department would have the option of continuing to make such payments, but would no longer be required to do so. Currently, when a Medicaid-eligible nursing home resident is temporarily absent from a nursing home for emergency medical or therapeutic reasons, the State pays the daily Medicaid nursing home rate to hold the bed until the patient returns to the nursing home. Payments to hold beds for therapeutic purposes are limited to 18 days per year.

- The Senate concurred with the House changes to SB 1164 [RC 708: 37 yes, 0 no]. Immediate Effect was given to the bill.

#### **SB 1279 (Allen)**

#### **SB 1280 (Birkholz)**

SBs 1279-81 would provide for an income tax checkoff for the State Parks Endowment Fund, create the Citizen's Committee for Michigan State Parks, and create the "gem of the parks" award, state parks "volunteer of the year" award, and the state parks "employee of the year" award.

SB 1279 would create an income tax check-off permitting taxpayers to designate at least \$2 - subtracted from their refund or added to their tax liability - on their income tax returns to the Michigan State Parks Endowment Fund. The checkoff would be available for tax year 2004, and each subsequent tax year.

- The Senate concurred with the House changes to SB 1279 [RC 709: 37 yes, 0 no]. Immediate Effect was given to the bill.

SB 1280 would establish the Citizens Committee for Michigan State Parks, a 17-member advisory committee generally charged with the responsibility for maintaining and preserving the state's state parks and its programs.

- The Senate concurred with the House changes to SB 1280 [RC 710: 37 yes, 0 no]. Immediate Effect was given to the bill.

#### **SB 1340 (SWITALSKI)**

SB 1340 would shorten the time period in which certain unclaimed property would be presumed abandoned and would alter the notification requirements. Specifically, this bill would provide that unclaimed stock in a business association be presumed abandoned if the owner did not claim a dividend or other distribution for over three years (instead of the current seven), and the business association does not know the location of the owner at the end of the three year period.

- The Senate concurred with the House changes to SB 1340 [RC 711: 37 yes, 0 no]. Immediate Effect was given to the bill.

## **FINAL PASSAGE**

#### **SB 1184 (Toy)**

SB 1184 would allow a city to provide in its charter for a maximum fine of \$5,000 (rather than the current \$500) for the violation of city ordinances that are not civil infractions or blight violations.

- SB 1184 passed [RC 720: 33 yes, 4 no].

### **SB 1321 (Allen)**

SB 1321 would add motorcycle dealers to the category of regulated motor vehicle financing institutions. Required to pay a \$30 regulatory fee annually to cover the cost of licensure and regulation.

- SB 1321 passed [RC 717: 24 yes, 13 no (DEMS)].

### **SB 1386 (Sanborn)**

### **SB 1387 (Sanborn)**

### **HB 5336 (Stakoe)**

### **HB 5347 (Nofs)**

## **VIDEO PIRACY OF A MOVIE**

SB 1386 would provide civil immunity to people who detained an individual believed to have committed a motion picture recording violation (proposed by House Bill 5347). Specifically, if the owner of a theatrical facility in which a motion picture was being shown alerted a law enforcement agency of an alleged motion picture recording violation and took measures, while awaiting the arrival of law enforcement authorities, to detain an individual whom he or she had probable cause to believe committed the violation, the owner would not be liable in a civil action arising out of the measures taken. This immunity would not apply, however, if the plaintiff showed that the measures taken were unreasonable and/or the period of detention was unreasonably long.

- SB 1386 passed [RC 718: 37 yes, 0 no].

SB 1387 would allow a victim of video piracy to sue for 1) Actual damages. 2) Exemplary damages of not more than \$1,000. 3) Exemplary damages of not more than \$50,000, if violator were acting for direct or indirect commercial advantage or financial gain. 4) Reasonable attorney fees and costs.

- SB 1387 passed [RC 719: 37 yes, 0 no].

HB 5336 would make the state sentencing guidelines conform to provisions in HB 5347 regarding prohibited recording (video pirating) of motion pictures without the consent of the owner or lessee of the facility.

- HB 5336 passed with IE [RC 714: 37 yes, 0 no].

HB 5347 would prohibit and prescribe criminal penalties for knowingly operating an "audiovisual recording function" of a device in a facility where a motion picture was being exhibited (a.k.a., video pirating of a movie), without the consent of the facility's owner or lessee and of the motion picture's licensor.

- HB 5347 passed with IE [RC 713: 37 yes, 0 no].

### **HB 4335 (Robertson)**

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HB 4335 would update current law regulating amateur boxing. Current law is antiquated and has failed to keep up with industry standards to the point where boxers and promoters take their business elsewhere. The bill would establish a separate boxing statute that would allow the state to regain its status as a state where boxing

can flourish. The bill increases the minimum insurance promoters are required to purchase from \$1,000 for medical and \$5,000 for accidental death to \$50,000 for both medical and accidental death. This will ensure that boxers are adequately insured against injury or death during their matches.

- **HB 4335 passed with IE [RC 715: 37 yes, 0 no].**

HB 4336 would amend the state penal code to add the penalties contained in HB 4335.

- **HB 4336 passed with IE [RC 716: 37 yes, 0 no].**

## THIRD READING

**SB 1175 (George)**

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SB 1175 would felony offenses of damaging or destroying research property to the state sentencing guidelines.

- **Cropsey 1A (1 amend) was adopted.**
- **Committee 1 (S-1) was adopted.**
- **SB 1175 was moved to 3<sup>rd</sup> Reading.**

SB 1176 would prohibit persons from: 1) Damaging or destroying another person's research property with the intent to frighten, intimidate, or harass any person because of his or her participation or involvement in, or cooperation with, research; to prevent any person from engaging in any lawful profession, occupation, or activity because of his or her participation or involvement in, or cooperation with, research; or, to prevent, delay, hinder, or otherwise harm the research or use of the research. 2) Placing any object in any research property to prevent the lawful growing, harvesting, transportation, keeping, selling, or processing of that research property.

- **Cropsey 1A (1 amend) was adopted.**
- **Committee 1 (S-2) was adopted.**
- **SB 1176 was moved to 3<sup>rd</sup> Reading.**

**HB 5763 (LIPSEY)**

HB 5763 would amend provisions regarding property protected from creditors to create a section unique to bankruptcy proceedings and to revise those exemptions by increasing the dollar thresholds (especially the homestead exemption which is increased to \$30,000) and providing for future adjustments indexed to inflation.

- **Committee 1 (3 amends) was adopted.**
- **HB 5763 was moved to 3<sup>rd</sup> Reading.**